

Court of Appeals, State of Michigan

ORDER

People of MI v Robert Harris

Docket No. 282194

LC No. 06-100083

Michael J. Talbot
Presiding Judge

Helene N. White

Brian K. Zahra
Judges

The Court orders, pursuant to MCR 7.205(D)(2), that the circuit court's August 9, 2007 order denying the prosecutor's appeal and the district court's October 17, 2006 order of dismissal are REVERSED. The dismissal was based on the district court's finding that defendant was illegally detained. For purposes of the constitutional prohibitions against unreasonable searches and seizures, a person has been "seized" when a police officer has restrained the person's individual freedom. *People v Lewis*, 251 Mich App 58, 68-69; 649 NW2d 792 (2002). Generally, seizures are reasonable only if based on probable cause. *Id.* However, an exception to the requirement of probable cause exists when the officer has a reasonable, articulable, suspicion, based on the objective circumstances, that the person has committed or is about to commit a crime. *Id.* In this case, there was evidence that defendant placed a clear plastic bag of what appeared to be drugs in an illegally parked vehicle at 1:15 a.m. in a high crime area. Under the circumstances of this case, the officers had a reasonable suspicion that crime was afoot and the detention of defendant was therefore proper.

This case is REMANDED to district court for entry of an order binding defendant over to circuit court. We do not retain jurisdiction.

White, J. would remand to the district court for a statement of reasons for the court's conclusions.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY 27 2008

Date

Sandra Schultz Mengel
Chief Clerk